UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X
CYPRESS HOLDINGS, III, L.P., individually and derivatively on behalf of SPORT-BLX, INC.,  Plaintiff,	: : : Case No. 22-cv-01243 (LGS)
-against-	: :
GEORGE HALL, JOSEPH DEPERIO, SPORT-BLX, INC. and GLASSBRIDGE ENTERPRISES, INC.,	<ul><li>DECLARATION OF</li><li>REMY GREEN IN SUPPORT OF</li><li>DEFENDANTS' MOTION TO</li><li>DISQUALIFY</li></ul>
Defendants.	: :
	X

- I, Remy Green, declare and state as follows:
- 1. I am an attorney, and counsel of record for Defendants Hall, De Perio, and Sport-BLX in this case.
- 2. I offer this declaration to place documents in my control in the record, as well as to provide some procedural history within my personal knowledge.
- 3. Plaintiffs' initial complaint (Dkt. No. 2-1) contained a number of facts that were demonstrably and objectively incorrect.
- 4. That is, there are documents the authenticity of which cannot be disputed that showed the facts alleged were simply not true. By way of illustrative example, the initial complaint alleged that Sport-BLX had "less than five employees." Dkt. No. 2-1 ¶ 23.
- 5. Faced with this, co-counsel Wylie Stecklow and I sent a letter following Plaintiff's indicated intent to amend the complaint detailing a number of these and attaching the documents that showed those facts were not true. A true copy of that letter is attached as **Exhibit 1**. For example, payroll documents showed at least 15 full-time employees were working

at any one time — to say nothing of numerous interns, clients, agents and others that were regularly utilizing the SportBLX office space on a daily basis. *See*, Ex. 1 at 2-3.

6. After receiving that letter, Plaintiff amended the complaint and left out many of those allegations — including, among other things, the false statement that Sport-BLX had less than five employees. A redline showing the changes between the two complaints is attached as **Exhibit 2.** 

7. Yet, those allegations showed up again in the declaration of Fox Rothschild's general counsel — without correction in the memo from the lawyer who apparently was sufficiently convinced by the payroll records to abandon the issue he had been harping on for more than 3 years.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of June, 2022.

Remy Green